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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,098	08/30/2000	Eriko Koda	500.38975X00	1886

20457 7590 06/18/2003

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ARLINGTON, VA 22209

EXAMINER

HARRISON, CHANTE E

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 06/18/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/651,098

**Applicant(s)**

KODA, ERIKO

**Examiner**

Chante Harrison

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 1-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 17-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 25 March 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is responsive to communications: Amendment A, filed on 3/25/03.
2. Claims 17-36 are pending in the case. Claims 17, 21, 26-27, 31 and 36 are independent claims. Claims 1-16 have been canceled. Claims 17-36 are newly added.

### *Drawings*

1. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 3/25/03 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.
2. The Patent and Trademark Office no longer makes drawing changes. See 1017 O.G. 4. It is applicant's responsibility to ensure that the drawings are corrected. Corrections must be made in accordance with the instructions below.

### INFORMATION ON HOW TO EFFECT DRAWING CHANGES

#### 1. **Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings

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after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

**2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

**Timing of Corrections**

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.185(a). Failure to take corrective action within the set (or extended) period will result in **ABANDONMENT** of the application.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 17-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Kenichi Minami, U.S. Patent 6,215,505 B1, 4/2001.

As per independent claims 17, 26, 27 and 36, Minami discloses when replay of said moving picture is stopped at an arbitrary replay position of said moving picture on said display (col. 9, ll. 63-67; col. 11, ll. 60-67), identifying an image inputted by said input device and position data of said input image and displaying on said display said input image in superposition with the stopped moving picture (col. 5, ll. 25-40); storing information of said replay position of said moving picture (col. 12, ll. 7-19, 29-37); when said moving picture is replayed from said arbitrary replay position, designating a locus of motion of said image by said input device to determine position data of said locus of motion of the image with time (col. 10, ll. 33-43) and storing said determined position data and time data representing when said position data is determined (col. 5, ll. 41-49); and while replaying said moving picture starting from said stored replay position,

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displaying on said display said image in accordance with said stored position data of the locus of motion and said stored time data (col. 5, ll. 25-40; col. 7, ll. 52-60; Fig. 5).

As per dependent claims 18, 23, 28 and 33, Minami discloses adding or deleting said stored position data and said time data representing when said position data is determined in accordance with a designation by said input device (col. 6-7, ll. 54-19).

As per dependent claims 19, 24, 29 and 34, Minami discloses replaying said moving picture from an arbitrary replay position in accordance with a replay speed designated by said input device (col. 11, ll. 26-34; col. 12, ll. 37-44).

As per dependent claims 20, 25, 30 and 35, Minami discloses displaying said moving picture as a background (col. 5, ll. 1-17) and displaying said image as a foreground (col. 7, ll. 25-35).

As per independent claims 21 and 31, Minami discloses when replay of said moving picture is stopped at an arbitrary replay position of said moving picture on said display (col. 9, ll. 63-67; col. 11, ll. 60-67), identifying an image inputted by said input device and position data of said input image and displaying on said display said input image in superposition with the stopped moving picture (col. 5, ll. 25-40; col. 7, ll. 52-60); storing information of said replay position of said moving picture (col. 12, ll. 7-19, 29-37); identifying information of a boundary line (i.e. dotted frame) of an area in which the image inputted by said input device can move and displaying said boundary line on said

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display (col. 10, ll. 11-30; Fig. 12 "302"); storing said information of the boundary line of an area in which said image can move (col. 10, ll. 11-30); when said moving picture is replayed from said arbitrary replay position; designating a locus of motion of said image by said input device to determine position data of said locus of motion with time based on said stored boundary line information (col. 10, ll. 34-44) and storing said position data and time data representing when said position data is determined (col. 5, ll. 41-49); and in response to replaying of said moving picture starting from said arbitrary replay position, displaying on said display said image in accordance with said stored position data of the locus of motion and said stored time data (col. 5, ll. 25-40; col. 7, ll. 52-60; Fig. 5).

As per dependent claims 22 and 32, Minami discloses modifying the position data of said locus of motion in accordance with said boundary line information (col. 10, ll. 11-44) and storing time data representing when said modified position data and said position data are identified (col. 5, ll. 41-49).

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Additionally, regarding Applicant's request for consideration of an IDS submitted 8/30/2000, the Office has no record of an IDS submission.



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**Conclusion**

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chante Harrison whose telephone number is (703) 305-3937.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ch

June 12, 2003

